

REMARKS

Initially, Applicants wish to respectfully thank the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119, and for confirming that the certified copy of the priority document upon which the above-noted claim for priority is based, has been received. Applicants further wish to respectfully thank the Examiner for acknowledging the Information Disclosure Statements filed on June 10, 2004 and April 30, 2004, by returning the signed and initialed Forms PTO 1449 attached thereto.

Upon entry of the present paper, claims 1, 3-5, and 7-17 will have been amended, with claims 1-17 pending in the present application. The claim amendments have been made merely to clarify the claim language, but not in view of the prior art.

In view of herein-contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections in the present application set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate.

In the Office Action, the Examiner rejected claims 3, 7, 9, 10, 12 and 14 under 35 U.S.C. §112, second paragraph, and claims 1-17 under 35 U.S.C. §103(a) over TSUCHIDA et al. (U.S. Patent No. 7,003,371).

In amending the claims, Applicants have taken the Examiner's rejection of claims 3, 7, 9, 10, 12 and 14 under 35 U.S.C. §112, second paragraph into consideration, and have overcome any basis for such rejection. Thus, Applicants respectfully submit that the presently pending claims are not subject to a rejection under 35 USC 112, second paragraph.

With regard to the rejection of claims 1-17 under 35 U.S.C. §103(a) over TSUCHIDA et al. (U.S. Patent No. 7,003,371), Applicants submit that TSUCHIDA et al. does not qualify as

prior art with respect to the present application. TSUCHIDA et al. is based on International Application No. PCT/JP01/07055, filed on August 16, 2001 and published as WO 02/17148 on February 28, 2002. Additionally, TSUCHIDA et al. was accorded a §371 (C)(1), (2), (4) date of February 14, 2003.

The present application is based on Japanese Patent Application No. 2001-231837, filed on July 31, 2001. Insofar as WO 02/17148 was not published in English, TSUCHIDA et al. is not entitled to either the international filing date of August 16, 2001 or the §371 (C)(1), (2), (4) date of February 14, 2003 as an effective prior art date with respect to the present application.

Nevertheless, TSUCHIDA et al. was published as U.S. Patent Application Publication No. 2003/0177024 on September 18, 2003. Insofar as the present application is entitled to the International filing date of July 30, 2002, the publication of TSUCHIDA et al. does not qualify as prior art even under 35 U.S.C. §102(e). Further, even if the publication of TSUCHIDA et al. does qualify as “prior art” with respect to the present application under 35 U.S.C. §102(e), TSUCHIDA et al. is disqualified as “prior art” under 35 U.S.C. §102(e), in an obviousness rejection under 35 U.S.C. §103(c), since the subject matter of the present application and the subject matter of TSUCHIDA et al. were, at the time the claimed invention was made (i.e., by July 31, 2001), subject to a common obligation of assignment (both TSUCHIDA et al. and the present application have Amada Co., Ltd. as the assignee).

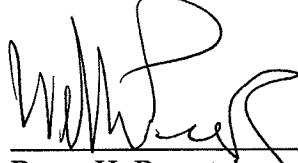
If the Examiner applies WO 02/17148 as “prior art” under 35 U.S.C. §102(a), Applicants can and will submit a verified English language translation of JP 2001-231837 (the priority document for the present application, filed on July 31, 2001), which fully supports the features recited in the pending claims. However, Applicants assert that submission of such a verified

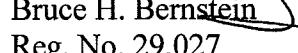
English language translation of JP2001-231837 at this time is unnecessary insofar as the outstanding rejection is based upon U.S. Patent No. 7,003,371, and not WO 02/17148.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the pending claims, in due course.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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